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PASEK MICHAEL S
78 GEORGETOWN 4108

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ACTION SCS-06
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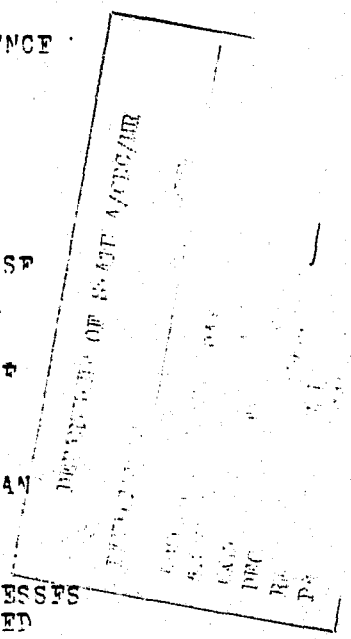
FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC NIACT IMMEDIATE 8332
UNCLAS GEORGETOWN 4108
E.O. 12065 NA
TAGS: CARR, GY, (BEIKMAN, CHARLES)(PEOPLE'S TEMPLE)
SUBJ W/W ARRESTS CHARLES EDWARD BEIKMAN
REF: GEORGETOWN 4053

1. PRELIMINARY HEARING BEGAN YESTERDAY (DEC 4) BEFORE MAGISTRATE DESMOND CHRISTIAN TO DETERMINE IF ENOUGH EVIDENCE EXISTS TO COMMIT BEIKMAN TO THE HIGH COURT FOR TRIAL FOR THE MURDER OF LINDA SHARON HARRIS (AKA SHARON AMOS) AND HER THREE CHILDREN.

2. ONLY ONE WITNESS, A POLICE PHOTOGRAPHER, WAS CALLED YESTERDAY TO TESTIFY. MOST OF THE SESSION WAS DEVOTED TO HEARING ARGUMENTS ON TWO PROCEDURAL POINTS RAISED BY REX MCKAY, BEIKMAN' SENIOR ATTORNEY. MCKAY ARGUED THAT THE COURTS SHOULD DIRECT THE PROSECUTION TO GIVE TO THE DEFENSE COPIES OF STATEMENTS OF WITNESSES TAKEN BY THE POLICE DURING THEIR INVESTIGATION OF THE ALLEGED MURDERS. MCKAY ALSO ARGUED THAT BEIKMAN'S RIGHT TO A FAIR TRIAL WAS IN JEOPARDY BECAUSE THE POLICE HAD DENIED DEFENSE COUNSEL THE OPPORTUNITY TO INTERVIEW POTENTIAL DEFENSE WITNESSES ESPECIALLY THOSE RESIDING AT LAMAHA GARDENS.

3. MAGISTRATE CHRISTIAN, AT THE CONCLUSION OF THE ARGUMENTS, REJECTED BOTH OF MCKAY'S CONTENTIONS. CHRISTIAN



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NOTED THAT SO FAR MCKAY HAD NAMED ONLY TWO POTENTIAL WITNESSES TO WHOM, IT WAS ALLEGED, DEFENSE HAD IMPROPERLY BEEN DENIED ACCESS BY THE POLICE. THESE TWO, CHRISTIAN CONTINUED, WERE THE SUBJECT OF A SEPARATE HABEAS CORPUS PROCEEDING CURRENTLY BEING HEARD IN THE HIGH COURT. CHRISTIAN NOTED THAT THE PROSECUTION HAD A DUTY TO SHOW TO THE DEFENSE STATEMENTS TAKEN FROM WITNESSES DURING THE INVESTIGATION. CHRISTIAN SAID HE WOULD NOT ORDER THE PROSECUTION TO TURN OVER THE STATEMENTS, BUT WOULD NOTE THAT, IF THE PROSECUTION DID NOT FULFILL THEIR OBLIGATION IN THIS REGARD, THE RESULT WOULD BE "UPON THEIR HEADS."

4. THERE ARE TWO SEPARATE MOTIONS BEING HEARD IN THE COURTS IN THE BEIKMAN AFFAIR IN ADDITION TO THE PRELIMINARY HEARING REGARDING THE MURDER CHARGES. ONE IS THE HABEAS CORPUS MOTION, MENTIONED ABOVE. THE SECOND IS AN ORIGINATING WRIT, FILED BY MCKAY, WHICH SEEKS TO HAVE THE HIGH COURT DECLARE THAT HIS CLIENT' CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED

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BECAUSE DEFENSE HAS NOT BEEN GIVEN ACCESS BY THE POLICE TO POTENTIAL DEFENSE WITNESSES. EMBASSY DOES NOT PLAN TO SEND OBSERVER TO THESE TWO RELATED PROCEDUREAL HEARINGS, BUT WILL SEND OFFICER TO HEAR FURTHER SESSIONS OF THE PRELIMINARY HEARING ON THE CRIMINAL CHARGES, WHICH RESUMES DEC 7.
BURKE
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